GENERAL AND REVEN

19D1-02

( Muzrai )

Later Refces.
Mwz. 159-42
1, 3-9, 11
B. May 43
Mwz. 159-42
10, 12-13.
B. June 1943.

Section

**File No.** 33

**Serial Nos.** 1—4

# Papers Filed.

*Month* November 1902

SUBJECT.

Recognizes the Succession of Syed Inaitullya Shah Khadri (Son of Syed Inceraulla Khadri) as Sajjada Manager of Guru Dattatreya Baba Budan Sahebs Dargah at Chikkamagalore Taluk

| PREVIOUS REFERENCES | LATER REFERENCES. |
|---|---|
| Mz. 7-89 1541 [illegible] | Mwz 7 100 of [illegible] |
| | Mwz. 7-258 of 1905- |
| | Mwz 7-392 of 1907. |
| | Mwz 107-28-7-13 |
| | " 25-30-1-7 |
| | " 9-3 R F 1-3 |
| | " 100-41-1 |

G.R.S. 11] 190/.

GENERAL AND REVENUE SECRETARIAT.

(Revenue)

NOTES.

File No. 33 of.

FILE HEADING.

Recognizing the succession of Syed Murtuza Sha Khadri as Sajjade or Manager of the Bababudan Darga.

From

Nazim Syed Ali Hussain Sha Khadri

No. Petn Dated 28.9.07 Received —

| Diary No. 320 | Enclos. | Spare Copies — | Serial No. 1. |
|---|---|---|---|

BRIEF ABSTRACT OF LETTER.

States that Mr. Syed Gous Sha Khadri having been dead, Syed Murtuja Sha. Khadri be recognized as Sajjadi or Manager of the Bababudan Darga &c —

NOTES AND ORDERS.

sheet

GPB—30,000—3-4-07

P. T. O

Mysore Department

Note.

Subject :- Succession
Syed
of Moutyuja Sha Khadri
to the place of Khan Bahadur
Syed Sha Khadri of
Babakundan Durga

Latest Reference :- Kadur
Dy Comr's Letter no 145 C
dated 25th March 1902

On the 11th August-
1887
Syed Yusuf Sha Khadri
Sajjada Khan Bahadur
of Guru Dattatreya Babakundan
Hills in Kadur District-
petitioned to the late Dewan
Head in his interview with
His Highness the late Maha
raja he expressed his
desire

(?) 3

adopt - Legal Mountzajee
Khandia, has however since,
so that he might be the
future representative, manager
and Custodian of Gopee
Dattatreya Babasaheb Bargir
and that he also introduced
the boy to His Highness, on
the occasion. He accordingly
applied for formal sanction
thereto and prayed to
recognize the adoption by
extending to him all honors
and prerogatives enjoyed
by him and his predecessors.

The petitioner appears
have been represented to Col:
Campbell by the Hon Bg Commr
of the Kaduna District, who with
his D.O. dated 2nd
September 1887 forwarded
Genealogical Tree (which

which is herewith put up)
and stated that the
adoption might be recog-
nized

No 1366 dated
6th September 1887

3 Thereupon the following
memorandum was passed
and a copy of it was at
the same time sent to the
Dy Commissioner :—

"In reply to his petition
"dated 11th August 1887,
"Mr. Syed Yusuf Shah
"Khadri, Khan Bahadur,
"is informed that the
"Government of His Highness
"the Maharaja is prepared
"to recognize the succession
"to the management of
"Shree Dattatreya Baba-
"-budan Swamy's Durga,
"of Syed Mirtuja Shah

Khadri (- Son of Syed Nizam - Shah Khadri) whose petitioner proposes adopt. Like the said Syed Murtuja Shah Khadri actually succeeds to the Office in question it will not be possible to extend to him the honours and prerogatives appertaining thereto

In September ~~last~~ 1901, a petition was received in this Office from Syed Ali Hussain Shah Khadri Agent of the Dattatreyapeeta on the Baba Budan Hills reporting that the late Sajjada Syed Ghouse Shah Khadri Khan Bahadur died and was succeeded by his

(5)

Sic
grandson Syed Murtuja Shah Khadri, and praying that the honours &c to which the former was entitled, might be continued to the latter. This petition was forwarded to the Dy Comr for a detailed report. In this connection two unintelligible Telegrams were received from one Khadar Bandshe Khadri of Chickmagalur in march 1902 and ~~was~~ also forwarded to the Dy Comr for disposal (vide order dated 29th march 1902). But, as in the meanwhile a detailed report had been already received from the Dy Comr

With this Office Docket-No 654 dated 15th November 1904

The Dewan was pleased to order to be forwarded

on the subject- The Telegrams ordered to be were placed in the Connected file for disposal with the pending question The subject of the Telegrams seems however to be the protest against the succession of Syed Nurunjia the Khadri.

5. In reply to this Office communication referred to in para 4, the Dy Comr has submitted a detailed report× stating that- the late Sajjada Khan Bahadur Gouse the Khadri died at Bangalore on the 17th September 1904 and recommending that- the Sajjada elect- Syed Nurunjia the Khadri

× No 1450 dated 25th March 1902

may be approved of, as
successor to the late
Khan Bahadur Ghasse
Sha Khadri, on a certain condition,
as all the
previous records and
proceedings leave no
room for doubt that
he was thought of as the
intended successor to
the Institution. The Dy
Commissioner's detailed
report is hereto attached
Submitted

Es
28/7/02

6. A printed copy of the
Rules regarding the
succession to mutts is
also put up —

Remarks by the Deputy Secretary:
There seems to be

no ~~objection~~ question
about approving of the
nomination of Syed Murtuza
Sha Khadri to the management
of Guru Dattatreya Bababudan
Swami's Dargah. The nomination
was sanctioned in order No. ~~1386~~ 1366
dated 6th September 1887 by the
Govt. of H.H. the late Maharaja
during the lifetime of the former
Sajjada or Manager Khan
Bahadur Ghouse Sha Khadri.
He was also elected at a
meeting of the community
held in 1894, and the Dy
Comm. of Kadur in his
letter under disposal recommends
his nomination ~~upon~~ upon a condition stated to latter on.
7. Objections have, however,
been raised by certain parties
to the effect that they are
entitled to participate
in the income from the
inam lands endowed to the
Institution

Institution, on the strength of a deed of Agreement executed in 1854 by the late Sajjada Ghouse Sha Khadri, agreeing to divide among them the net savings of the Institution every year. The Deputy Commissioner says that the nomination may be approved on the condition that the nominee executes a document similar to what was executed in 1854.

8. It is doubtful whether the Government should recognize such an agreement. The Inams were granted for the benefit of the Institution and are

enjoyed by the manager
for the time being for
rendering certain services.
The division of the profits
among several persons
as Shareas does not seem
to be in fulfilment of
the object of the Grant,
and should, it is submitted
be discountenanced by the
Government. If the Manager
performs all the prescribed
services and keeps the
buildings in proper order
~~the concern of~~ the Government
be satisfied,
will ~~cease~~, and any
division which the Manager
may make out of the
remaining savings need
not

(11)

not be taken notice of by the Government. It is my humble opinion therefore that the nomination of Syed Mirtyuza Sha Khadri may be approved, without the condition suggested by the Dy Commr.

9. Mr. D. Venkatramiah, Advocate, told me some days back that he had some points to urge in this case on behalf of the hissedars. He may be asked to submit his representation together with a Power of Attorney.

Subd to the Dewan

9/10/02

R Narayana
G.T. 10.02
6525

The case is very simple — The necessary may be recognised — I am not informed what Mr V Rama Raya if he has a representation he may send up a written one — Wait for one week after which — I shall recommend the order.

M.R.

24. X. 02

7.5/10/02

Subd to the Divan

Mr. D. Venkatramaiya, Advocate, sent written to on the 29 the 29th Sept and a receipt obtained on that day. the 31st idem

No more than two weeks have elapsed since then and no reply has yet been received a draft Order finally disposing of the case is subd for approval

17/11/02

Send draft

29/10/02

G. R. S. 12 ]
General and Revenue Secretariat.

14

File No. of 190

Serial No.

To

The Honble Under Secy
No 1159 dy 24.11.02.
Recognizing the succession
of Syed Mumtaj Ali Khan
as Sajjadi or Manager
of the Ajmer Dargah &
Habibullah Nawabi Darg
at Chitore-gadh

1054.

28-9-01



1037

28-9-1

1901-02 7 Removal 1453.

MUZRAI

1901

From

THE SECRETARY TO THE
GOVERNMENT OF MYSORE.

To

The Dy Commr
Kadur District

Dated 15 November

Despatched

Received

General No. 657
Muzrai F. No. 33/1901

Enclosure No. 1

Has the honor to forward herewith the accompanying Petition Regd. No. 320, dated 23rd September 1901, from Syed Ali Husain Sha Khadri Agent of the Dattatreyapit on the Baba-budan Hills, reporting that the late Sajjada Syed Gous Khadri Khan Bahadur died and was succeeded by his grandson Syed Murtuja Sha Khadri and praying that the honors to which the former was entitled might be continued to the latter with refce to this petition, information on the following points is requested:—

(1) When did the late Sajjada

MGCPB—11-1-1901—1500

(2) To what honors was he entitled?

(3) How old is the Sajjada-elect?

(4) Is he qualified to hold the office?

(5) Whether the disciples have no objection to the nomination

2. An early reply is awaited, and the Dy Commr's attention is invited to Govt Endt No 233-42 Judl, dated 14th Dec. 1892.

By order, Judl 102-92

15/12/92

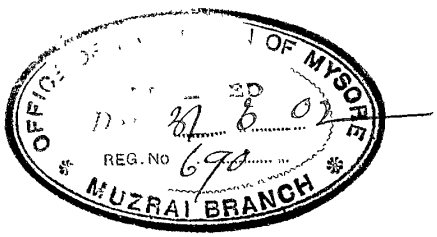
Dy Secretary
Muz. Deptt

Jas

1901. 02

From H. H. Sparkes Esquire
Deputy Commissioner
Kadur Distt

To L. Ananta Sama Rao Esqr B.A.
Deputy Secretary to Govt of
Mysore, Muzrai Deptt




Dated 15th March 02

Despatched 25th

Received

General No. 1450
No.

Enclosures. No. 3. V. Files.

Refer
W 3/4 3.

Submitted for orders
ler
3/4/02

Reporting on the petition of Shaik Hussain Sha Khadri, agent of the Dattatreya Pit, Baba Bundan Darga, against the Succession of Muntaja Sha Khadri

Kadur District Deputy Commissioner's
Office
Dated, Chikamagalur 25th March 02

From

H H Sparkes Esquire,
Deputy Commissioner,
Kadur District

To L Ananta Saini Rao Esquire BA.
Deputy Secretary to the Govern-
-ment of Mysore, Muzrai
Department.

Sir,

With reference to your docket
No 657 of the 15th November 1901 calling
for a report on certain points in the
matter of a petition from Shah Hussani
Shah Khadri, agent of the Dattatreya
Pitha Bababudan Darga in the
Chikamagalur Talukament the
succession of Syed Murtuja Shah
Khadri, to the place of Khan Baha-
-dur Gouse Shah Khadri (deceased)
I have the honor to state as follows—
1. The late Sajjade Khan Bahadur
Gouse Shah Khadri died at
More on the 17th

2. The said Khan Bahadur Gouse Shah Khadri is stated to be entitled to the insignia mentioned in the list presented by the agent under date 23rd December 01 (Vide paper no 17 in the accompanying file I of the Vernacular papers). He had the title of Khan Bahadur conferred upon him by His Excellency the Viceroy on the occasion of the late Her Majesty's Proclamation as Empress of India He was also personally exempt from the operations of the Provisions of the arms Regulation and from personally appearing before Courts of Law.

3. The Sajjade elect (Syed Murtuja Shah Khadri) is stated to be aged about 32 years.

4. With regard to his qualifications to succeed to the vacant place of the late Gouse Sha Khadri, the statements recorded by the Amildar go to shew that the Sajjade elect is well versed in Persian and Arabic has studied Koran, and is in all respects Competent to hold the office. The only allegation made against him was that his moral character was suspicion. A petition in the

P&A
K
Dy
1216/88

names

Princes of the holders of lands in the Suraguppe Inam village attached to the Durga, and headed by one Affe Sowda was received in this office, wherein some allegations were made about the improper Conduct of the Sajjade elect with the daughter of a certain Mouloi living in the Suraguppe village. This is however flatly denied by the woman's brother himself, under whose protection she lives. Beyond the statement of the said Affe Sowda there is nothing forthcoming to raise any suspicion about the moral character of the Sajjade elect. Even the takredars to the Arak have made no such imputation.

5. The consent of disciples does not seem to be necessary in effecting a succession. The resolution of the alleged recognition of the Sajjade elect by the late Khan Bahadur Sowar Sha Khadri, only the leading members of different Communities including some Muhamadans in and about Chikanagalur were summoned and no there

a resolution was passed on 4-11-1894.
Neither the men then present some of
whom have been now examined by the
Amildar, nor the two Muhammadans
of Aldur who styled themselves as
disciples have any objection to the succession
by the Sajjade elect. The agent (petitioner) too
has deposed that the Consent of disciples
is entirely immaterial. Further the
objection brought forward is only by
the surviving members of the family
to which the late Khan Bahadur Sowse
Sha Khadri and the Sajjade elect
belong. In their statements they maintain
that they all have a joint Hak. to the
place of the Sajjade at the Darga and
Consequently have a right to equally
share profits from the division of the
revenue arising from the Inam lands
and other sources of income to the Darga,
after defraying the lawful, charitable
and religious expenses. These Hakdars
base their claim on an agreement
executed to the surviving Hakdars of
only by the late Khan Bahadur
Khadri in 1854. According
to

to this, it will appear that the several Hakdars have powers to elect a competent person from amongst them upon his executing an agreement in the terms above quoted. The agent (petitioner) asserts that succession is not conditional with respect to executing any agreement, but, neither he nor any body else interested in the succession of the Sayyade elect have denied or disproved the contents of the agreement. The statements now recorded by the Amildar go to show that in the election of 1894 the claimants objected. Further the agreement relied on by the claimants have been admitted in evidence and is observed to have been impounded by the Collector of Surat (Mr Lindsay) in 1866.

Referring to the last para of the docket, under reply, I beg to say that previous sanction of Government for the election has not been obtained. On the notice calling for a

the Maharaja of Mysore was obtained, but neither such authority was referred to while then arriving at a decision nor was any produced in the course of the present enquiry. Again the statement of Gaizudin Sha Khadri also an agent recognized by Government and one treated with the distinction of being exempt from the operations of the Provisions of the Arms Regulation leads to the Conclusion that no sanction was obtained, for, he states that Ceremonies required to be observed subsequent to Government sanction have not yet taken place. The petitioner (agent) states that the orders of Government No 233-42 Judg: H. 102-92 of the 12th December 1892 only governs successions to the Hindu Mutts and not to Muhammadan Institutions. The interpretation of the petitioner Cannot under any circumstances hold good. The Darga has extensive Conferred upon it The income from the above, according to the

the terms of the grant ought to be
applied to the maintenance of the
Institution and for charitable and
religious uses The grant of the inam
is subject to the due fulfilment
of the above conditions, and where
failure or mismanagement is
apparent, the Inams are either
resumed or the management
taken over into the hands of
Government. As an instance,
may be quoted the Case of the
Darga at Chitaldurg Taken over
under Government management
by Government Order No. 960-1 of the
Jmg. 716-95
31st December 1901. It is clear
that Government have therefore
to guard the interests of Institution
and Consequently important
changes therein ought to meet
with the approval of Government
Of Course the Proceedings of 1892
does not prevent the

members of Institutions from
electing and nominating one or more
Competent persons as Successors
to themselves with the approval
of H. H the Maharaja. Prior to
this a representation was made
to Government in 1887 to Confer
on Sajjade elect all honors to which
the late Khan Bahadur Sowse
Sha Khadri was entitled, but the
Government declined to accede
to the representation as it was not
Considered practicable to extend the
honors and prerogatories to Sajjade
elect until he actually succeeded to
the office (Vide No 1366 dated 5th September 1887

Taking all these into Consideration
and for reasons stated in Para 5 Supra
I am of opinion that the Sajjade
elect may be approved of as Successor
to the late Khan Bahadur Sowse
Sha Khadri, subject to his executing
an agreement to the Surviving
Hakdars in the terms of the one of
1854 executed by his predecessor
All the objections raised by the
Hakdars are founded I
have

have every reason to think on their
desire to participate in the income
and profits of the Darga. As a
matter of fact they have given
statements before the Amildar
that they have no objection to the
Succession of the Sajjade elect
provided their claims to share
in the income are recognized and
an agreement executed by the
Successor to the late Head of
the Institution. So practically,
I am of opinion that the succession
of the present Sajjade elect may
be approved. All the previous
records and proceedings leave
no room for doubt that the present
Sajjade elect Mrutunja Sha Khadri
was thought of as the intended
Successor to the Institution.

The Vernacular correspondence
ending with Chikanagalur Amildar's
Nos 107 and 108 of the 11th March 02
and petitions received on the subject are herewith submitted for
favour of perusal and return when
no longer required. I have the honor to be
Sir,
your most obedient servant
S Ramaswamy
For

Mysore.

Print.

Read the following:-

i) Govt. order No. 1266 dated 6th September 1887 directing that Govt. are prepared to recognize the succession, to the management of Guru Dattathreya Baba-budan Swami's Dargah of Syed Muthyuza Sha Khadri, whom the late ~~Syed~~ Syed Gows Sha Khadri Khan Bahadur proposed to adopt.

ii) Petition Regd. No. 320 dated 23rd Sept. 1901 from Syed Ali Hussein Sha Khadri, Agent of the Dattathreya Peeta, reporting the death of

Sajjada or manager
Syed Gouse Sha Khadri
Khan. Bahadur
and iii) The following
letter no 1450 dated
15th March 1902, from
the Deputy Commissioner
Kadur District reporting
on the above :-

In Extenso

---

Order thereon :-

No 1159 En. 3 fcls
Mun: F-33-01

D) 24.11.02.

The Guru Dattatreya
Bababudan Swamis
Darga on the Bababudan
Hills at Chickmagalur
is a Muzrai institution
endowed with ex-tensure
inam lands from the State

It

It is reported that Khan Bahadur Syed Sows Sha Khadri who was the Sajjada or manager of the Darga died on the 17th Sept 1907, having previously his brothers grandson adopted, Syed Muntajuz Sha Khadri to succeed him. The nomination of this Syed Muntajuza Sha Khadri to the management of Guru Dattatreya Baba budan Swamis Darga was sanctioned in order no. 1866 dated 6th Sept 1887 read above, by the Govt. of H.H. the late Maharaja during the lifetime of

the former Sajjada or
Manager, Khan Bahadur
Syed Sows Shah Khadri
He was also elected at
a meeting of the community
held in 1894, and the
Deputy Commissioner of
the Kadur district in his
letter read above, recommends
his nomination upon
a certain condition
referred to later on,
and states that he is
duly qualified for the
office. Objections have,
however, been raised by
certain parties to the effect
that they are entitled
to participate in the
manage

income from the inam
lands endowed to the
institution, on the strength
of a deed of agreement
executed in 1854 by the
late Sajjada, Syed
Gowa Sha Khadri, agreeing
to divide among them
the net savings of the
institution every year
The Dy Commr states
that the nomination
may be approved on the
condition that the nominee
executes a document
similar to what was
executed in 1854. The
Government cannot

recognize such an agreement. The shares have been granted for the benefit of the Institution and are enjoyed by the manager for the time being for rendering certain specific services therein. The division of the profits among several persons as sharers is not in fulfilment of the object of the Devadana grant, and Govt cannot give their to it. countenance, if the manager performs all the prescribed services and keeps the buildings in proper order, the Govt. will be satisfied.

the Government of ~~the~~ the Maharaja are pleased to recognize the succession of Syed Nouthyuza Sha Khadri (son of Syed Meeran Sha Khadri) as Sajjada or Manager of Sree Dattatreya Bababudan Swami's Dargah, without the condition suggested by the Deputy Commissioner

Dewans order

17/11/02
Deputy Secretary
Revenue department

May be granted

To,
The Deputy Commissioner
Kadur District etc records.

8943
19.XI.02

7309
18.11.02

Sent to the Dewan for appl
17/11/02

1902-03

# GOVERNMENT OF MYSORE

## MUZRAI

## PROCEEDINGS

*Dated 24th November 1902*

No. 1159 / Muz. F. 33-01

Recognizing the succession of Syed Mrutyuza Sha Khadri (son of Syed Meeran Sha Khadri) as Sajjade or Manager of Guru Dattathreya Bababudanswamis Darga at Chikmagalur.

SPP—8 12-02—200

READ THE FOLLOWING—

(i) Government Order No. 1366, dated 6th September 1887, directing that Government are prepared to recognize the succession to the management of Guru Dattathreya Bababudanswami's Darga, of Syed Mrutyuza Sha Khadri, whom the late Syed Gows Sha Khadri, Khan Bahadur, proposed to adopt.

(ii) Petition Registered No. 320, dated 23rd September 1901, from Syed Ali Hussein Sha Khadri, Agent of the Dattathreya Peeta, reporting the death of Sajjade or Manager Syed Gouse Sha Khadri, Khan Bahadur.

and (iii) The following letter No. 1450, dated 15th March 1902, from the Deputy Commissioner, Kadur District, reporting on the above :—

"With reference to your docket No. 657 of the 15th November 1901, calling for a report on certain points in the matter of a petition from Shali Hussein Sha Khadri, agent of the Dattatherya Peeta Bababudan Darga in the Chikmagalur Taluk, anent the succession of Syed Mrutyuza Sha Khadri, to the place of Khan Bahadur Gowse Sha Khadri (deceased), I have the honor to state as follows :—

1. The late Sajjade Khan Bahadur Gouse Sha Khadri died at Bangalore on the 17th September 1901.

2. The said Khan Bahadur Gouse Sha Khadri is stated to be entitled to the insignia mentioned in the list presented by the Agent under date 23rd December 1901, (vide paper No. 17 in the accompanying file I of the vernacular papers). He had the title of Khan Bahadur conferred upon him by His Excellency the Viceroy on the occasion of the late Her Majesty's proclamation as Empress of India. He was also personally exempt from the operations of the provisions of the Arms Regulation and from personally appearing before Courts of Law.

3. The Sajjade elect (Syed Mrutyuza Sha Khadri) is stated to be aged about 32 years.

4. With regard to his qualifications to succeed to the vacant place of the late Gouse Sha Khadri, the statements recorded by the Amildar go to show that the Sajjade elect is well versed in Persian and Arabic, has studied Khoran and is in all respects competent to hold the office. The only allegation made against him was that his moral character was not above suspicion. A petition in the names of the holders of lands in the Suraguppe inam village attached to the Darga and headed by one Ajjegauda was received in this office, wherein some allegations were made about the improper conduct of the Sajjade elect with the daughter of a certain Moulvi living in the Suraguppe village. This is however flatly denied by the woman's brother himself, under whose protection she lives. Beyond the statement of the said Ajjegauda there is nothing forthcoming to raise any suspicion about the moral character of the Sajjade elect. Even the takrardars to the hak have made no such imputation.

5. The consent of disciples does not seem to be necessary in effecting a succession. For the resolution of the alleged recognition of the Sajjade elect by the late Khan Bahadur Gouse Sha Khadri, only the leading members of different communities, including some Mahomedans in and about Chikmagalur, were summoned, and in their presence a resolution was passed on the 4th November 1894. Neither the men then present, some of whom have been now examined by the Amildar, nor the two Mahomedans of Aldur, who styled themselves as disciples, have any objection to the succession by the Sajjade elect. The agent (petitioner) too has deposed that the consent of disciples is entirely immaterial. Further, the objection brought forward is only by the surviving members of the family to which the late Khan Bahadur Gouse Sha Khadri and the Sajjade elect belong. In their statements they maintain that they all have a joint hak to the place of the Sajjade at the Darga and consequently have a right to equally share profits from the division of the residue arising from the Inam lands and other sources of income to the Darga, after defraying the lawful charitable and religious expenses. These hakdars base their claim on an agreement executed to the surviving hakdars of the family by the late Khan Bahadur Gouse Sha Khadri in 1854. According to this it will appear that the several hakdars have powers to elect a competent person from amongst them upon his executing an agreement in the terms above quoted. The agent (petitioner) asserts that succession is not conditional with respect to executing any agreement, but neither he nor any body else interested in the succession of the Sajjade elect has denied or disproved the contents of the agreement. The statements now recorded by the Amildar go to show that in the election of 1894 the claimants objected. Further, the agreement relied on by the claimants have been admitted in evidence and is observed to have been impounded by the Collector of Stamps Mr. Lindsay in 1866.

[illegible] terring to the last para of the docket under reply, I beg to say that previous [illegible] of Government for the election has not been obtained. In the notice calling for a [illegible] n 1894 it is stated that the sanction of His Highness the Maharaja of Mysore was [illegible] but neither such authority was referred to while then arriving at a decision nor [illegible] d in the course of the present enquiry. Again the statement of Gaizudin [illegible] nt recognized by Government and one treated with the distinction of [illegible] rations of the provisions of the Arms Regulation, leads to the con- [illegible] obtained, for he states that ceremonies required to be observed [illegible] have not yet taken place. The petitioner (agent) states

that Order of Government No 233-42—Muz. F 102-92 of the 14th December 1892, only governs successions to the Hindu Matts and not to Mahomedan Institutions The interpretation of the petitioner cannot under any circumstances hold good. The Darga has extensive inams conferred upon it The income derived from the above, according to the terms of the grant, ought to be applied to the maintenance of the institution and for charitable and religious uses The grant of the inam is subject to the due fulfilment of the above conditions and where failure or mismanagement is apparent, the inams are either resumed or the management taken over into the hands of Government. As an instance, may be quoted the case of the Darga at Chitaldrug taken over under Government management by Government Order No 960 1—Muz F. 16-95 of the 31st December 1901. It is clear that Government have therefore to guard the interests of the institution, and consequently important changes therein ought to meet with the approval of Government Of course the Proceedings of 1892 does not prevent the presiding members of institutions from electing and nominating one or more competent persons as successors to themselves with the approval of His Highness the Maharaja Prior to this a representation was made to Government in 1887 to confer on Sajjade elect all honors to which the late Khan Bahadur Gouse Sha Khadri was entitled, but the Government declined to accede to the representation, as it was not considered practicable to extend the honors and prerogatives to Sajjade elect until he actually succeeded to the office (*vide* No. 1366, dated 5th September 1887).

7. Taking all these into consideration and for reasons stated in para 5 *supra*, I am of opinion that the Sajjade elect may be approved of, as successor to the late Khan Bahadur Gouse Sha Khadri, subject to his executing an agreement to the surviving hakdars in the terms of the one of 1854 executed by his predecessor All the objections raised by the other hakdars are founded, I have every reason to think on their desire to participate in the income and profits of the Darga. As a matter of fact they have given statements before the Amildar that they have no objection to the succession of the Sajjade elect provided their claims to share in the income are recognized and an agreement executed by the successor to the late head of the institution. So practically I am of opinion that the succession of the present Sajjade elect may be approved. All the previous records and proceedings leave no room for doubt that the present Sajjade elect, Mrutyuza Sha Khadri, was thought of as the intended successor to the institution."

---

No. 1159—Muz. F. 33-01, dated Bangalore, 24th November 1902.

Order thereon.—The Guru Dattathreya Bababudanswami's Darga on the Bababudan Hills at Chikmagalur is a Muzrai Institution endowed with extensive inam lands from the State. It is reported that Khan Bahadur Syed Gouse Sha Khadri, who was the Sajjade or Manager of the Darga, died on the 17th September 1901, having previously adopted his brother's grandson Syed Mrutyuza Sha Khadri to succeed him. The nomination of this Syed Mrutyuza Sha Khadri to the management of Guru Dattathreya Bababudanswami's Darga was sanctioned in Order No. 1366, dated 6th September 1887, read above, by the Government of His Highness the late Maharaja during the life-time of the former Sajjade or Manager, Khan Bahadur Syed Gouse Sha Khadri. He was also elected at a meeting of the community held in 1894, and the Deputy Commissioner of the Kadur District, in his letter read above, recommends his nomination upon a certain condition, referred to later on, and states that he is duly qualified for the office. Objections have, however, been raised by certain parties, to the effect that they are entitled to participate in the income from the inam lands endowed to the institution, on the strength of a deed of agreement executed in 1854 by the late Sajjade Khan Bahadur Syed Gouse Sha Khadri agreeing to divide among them the net savings of the institution every year. The Deputy Commissioner states that the nomination may be approved on the condition that the nominee executes a document similar to what was executed in 1854. The Government cannot recognize such an agreement. The inams have been granted for the benefit of the institution and are enjoyed by the manager for the time being for rendering certain specific services therein The division of the profits among several persons as sharers is not in fulfilment of the object of the Devadaya grant, and Government cannot give their countenance to it.

2 In these circumstances, the Government of His Highness the Maharaja are pleased to recognize the succession of Syed Mrutyuza Sha Khadri (son of Syed Meeran Sha Khadri) as Sajjade or Manager of Guru Dattathreya Bababudanswami's Darga, without the condition suggested by the Deputy Commissioner.

*Dy. Secy., Muzrai Department.*

To The Deputy Commissioner, Kadur District, returning records.